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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/796,207 11/22/91 PARULSKI

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TLNG, K EXAMINER

B3M1/0901

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PATENT DEPT.
ROCHESTER, NY 14650-2201

ART UNIT	PAPER NUMBER
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2317

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DATE MAILED: 09/01/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☐ Responsive to communication filed on 7/26/93 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 19-53 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 19-53 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).

12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

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1. The amendment filed 7/26/93 has been considered in preparing this office action.

2. Claims 41-43 and 47-53 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 41, line 5, "the image reproduction device" lacks proper antecedent basis.

As per claim 47, lines 3-4, "the concurrent display" lacks proper antecedent basis. Lines 15-16, "the specific image files" should be --the specific image data files--.

As per claim 48, line 6, is the word "column" should be "row" (both occurrences) ?

3. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention

were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

4. Claims 19-53 are rejected under 35 U.S.C. § 103 as being unpatentable over Kristy (5,218,455) in view of Hayashi et al (4,991,004).

As per claim 19, Kristy teaches a digital image processing system having a plurality of images digitized as image data (digitized by his "scanner") and stored in respective image data files therein, a plurality of image memories (his "host computer", col. 3, lines 3-33); an output for coupling thereto an image display device (his "home TV monitor", last line of abstract) having a screen for display of images, for controlling the display of the image, comprising the steps of selecting a plurality of image data files (the image data files created by his scanner); reading and loading the image data into his host computer memories and then writes the image data into the photo CD and displaying the image data on the screen (by his CD reader); and the person is able to access image manipulation function (col. 5, lines 25-40). However, Kristy fails to explicitly teach defining the screen to contain a plurality of sections. This is what Hayashi teaches (Figs. 6 and 7, col. 1, lines 35-38, col. 4, lines 29-34). Hayashi further teaches an image processing unit 45, write controller 47, read controller 48, a CPU 15, a ROM 62, a RAM 29 and a monitor 46

(Fig. 1 and col. 3, line 8 through col. 5, line 7). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine the teachings of Hayashi into the system of Kristy in order to obtain the advantages, such as, prior to printing it out, an operator checks the images displayed on the CRT to see whether a finished print thereof would be acceptable or not, as taught by Hayashi (see col. 1, lines 15-30). Therefore, claim 19 reads on Kristy and Hayashi.

Claims 20-27, 29 and 31-32 add implementation details suggested by the generic teachings of Kristy and Hayashi as detailed above for claim 19, whereby claims 20-27, 29 and 31-32 would have been obvious.

Claim 33 is similar in scope to claim 19, and additionally requires a remote control device (Kristy's CD reader/player has a remote controller).

Claims 34 and 35 add implementation details suggested by the generic teachings of Kristy and Hayashi as detailed above for claims 19 and 33, whereby claims 34 and 35 would have been obvious.

As per claim 37, the combined system teaches a plurality of memories (Kristy, host computer); user command means for registering user commands (Kristy's CD reader reads commands input by an operator) and control means (Kristy, host computer and Hayashi, image processing unit).

Claims 38-46 add implementation details suggested by the generic teachings of Kristy and Hayashi as detailed above for claims 19, 33 and 37, whereby claims 38-46 would have been obvious.

Claim 47 is similar in scope to claim 37, and thus is rejected under similar rationale.

Claims 48-53 add implementation details suggested by the generic teachings of Kristy and Hayashi as detailed above for claims 19, 33, 37 and 47, whereby claims 48-53 would have been obvious.

5. Applicant's arguments with respect to claims 19-53 have been considered but are deemed to be moot in view of the new grounds of rejection.

6. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR

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RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kee Tung whose telephone number is (703) 305-9660.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.



K TLNG
August 27, 1993



ROBERT L. RICHARDSON
PRIMARY EXAMINER
ART UNIT 2317